IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15670 of 2006

Between:

T.Vijaya Kumar.

..... PETITIONER

AND

1.The District Collector/District
Election Authority Gram (Panchayat Raj Wing),
Guntur District, and 3 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15670 of 2006

ORDER:

Heard learned Counsel for both the parties.

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents 2 and 3 in not rejecting the nomination of the 4th

respondent for the post of Sarpanch of Perali Gram Panchayat on the ground that the 4th respondent does not belong to B.C. in favour of which the Perali Gram Panchayat was reserved and that he is in arrears of the surcharged amount and the same is arbitrary, illegal and violative of Sections 15 and 19 of the A.P.Panchayat Raj Act.

The learned Counsel for the petitioner had urged several factual aspects. The fourth respondent, claiming that he had recently i.e., on 18-07-2006, converted into Christian, produced B.C.(C) certificate for maintaining his nomination as Sarpanch of the said village and had filed nomination on 19-07-2006.

These are all disputed questions of fact, which cannot be gone into by this Court at this stage. It is also stated that there are surcharge dues. These factual aspects can be gone into in an appropriate election petition. The petitioner is at liberty to approach the Election Tribunal by way of filing an election petition.

With the above observation, the Writ Petition is disposed of. No costs.

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31st July, 2006

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